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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,603	03/31/2004	George F. Elmasry	014.0037 (02798.0006NPUS	4355

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EXAMINER
JAIN, RAJ K

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
03/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ifllaw.com

	Application No.	Applicant(s)
Office Action Summary	10/813,603	ELMASRY ET AL.
	Examiner	Art Unit	
	RAJ K. JAIN	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _31 March 2004_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-26_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _3/31/04_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _11/22/04_.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 17-20 are objected to because of the following informalities: In claim 17

replace "Processor-readable code stored on a processor-readable medium, the code

comprising code to:" with "Computer readable medium encoded with a computer

program, the computer program comprising code to:".

Claims 18-20, replace "Processor-readable code" with "computer program"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-11, 13-18, 21-25 are rejected under 35 U.S.C. 102(b) as being

anticipated by Sawatari (US 2002/0004841 A1).

Regarding claim(s) 1, 9, 17 and 21, Sawatari discloses an method and

apparatus, comprising: a first node 10 (Fig. 1); a second node 20, the first node 10

being configured to transmit packets of data to the second node 20 (paras 29 and 35,

the node 10 section 14 is configured to transmit packets to node 20);

a first processor 12 associated with the first node (RTP section receives and

processes the data to be transmitted; Para 33); and a second processor 22 associated

with the second node, the second processor being configured to calculate a severity

level (paras 41 and 75, upon receipt of data the severity level is calculated by the RTP

receiving section 22) and being configured to transmit data associated with the severity

level to the first node (Para 43, section 23 informs the transmitting side 10 the data

receiving state of node 20), whereby the first node can apply a call admission policy to

regulate the transmission of packets of data from the first node to the second node

(again paras 43, 78, the receiving control section 15 controls the transmission rate to a

desired level).

Regarding claim(s) 2 and 10, Sawatari discloses wherein the severity level is

associated with a packet delay and a packet loss ratio between the first node and the

second node (paras 35, 57 and 78).

Regarding claim(s) 5 and 13, While Sawatari does not explicitly disclose a third

node configured to transmit packets of data to the first node; a third processor

associated with the third node, the first node being configured to receive the packets of

data from the third node, the first processor being configured to calculate a second

severity level based on the packets of data received from the third node, and transmit

data associated with the second severity level to the third node, whereby the third node

can apply a call admission policy to regulate the transmission of packets from the third

node to the first node, however, one skilled in the art will appreciate that a network can

consist of plurality of nodes and therefore processors associated with each node to

perform severity level calculations as illustrated in node 10 of Fig. 1.

Regarding claim(s) 6 and 14, While Sawatari does not explicitly disclose third node, the third node being configured to receive packets of data transmitted from the first node to the third node; and a third processor, the third processor being configured to calculate a second severity level and being configured to transmit data associated with the second severity level to the first node, whereby the first node can determine a call admission policy to regulate the transmission of packets from the first node to the third node, based at least on the second severity level, however, one skilled in the art will appreciate that a network can consist of plurality of nodes and therefore processors associated with each node to perform severity level calculations as illustrated in node 10 of Fig. 1.

Regarding claim(s) 7 and 15, Sawatari discloses a memory device associated with the first node, the memory device being configured to store data associated with at least one of the severity level; a packet delay; the total number of received packets; and a packet loss (Fig. 2, paras 46, 63, 67 and 68).

Regarding claim(s) 8 and 16, Sawatari discloses a memory device associated with the first node, the memory device being configured to store data associated with a destination list and a source list, the destination list including data associated with packets of data being transmitted from the first node to the second node and the source list including data associated with packets of data being received at the first node (Fig. 3, paras 54, 55 and 60-65).

Regarding claim(s) 11, Sawatari discloses changes in severity level (Para 19).

Regarding claim(s) 18, Sawatari discloses calculate a cost function based on a

packet of data received from a remote node; update a severity level; and transmit the

severity level to the remote node (Para 75).

Regarding claim(s) 22-25, Sawatari discloses wherein maintaining the quality of

service includes maintaining the quality of service on communications network

(abstract, paras 1, 4 and 34, Sawatari discloses a general communication apparatus

that can be easily applied to different networks including military network, WAN, secure

network and a commercial network as desired).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 3,4,12,19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sawatari (US 2002/0004841 A1) in view of Khan et al (USP

6,400954 B1).

Regarding claim(s) 3, 4, 12, 19 and 20 Sawatari fails to disclose different service

classes.

Khan discloses different service classes in a network (col 2 line 65 - col 3 line 7;

col 6 line 26-49. Different classes of service provide a controlled allocation of call

blocking and/or packet delay which results when the network reaches or exceeds its capacity limits.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Khan within Sawatari so as to enhance network performance by allocating network resources based on service class parameters and limiting capacity limits.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawatari (US 2002/0004841 A1) as applied to claim 21 and further in view of Calvignac et al (USP 5,557,608). Sawatari fails to disclose a multilevel precedence and preemptive policy. Calvignac discloses a multilevel precedence and preemptive policy (col 1 lines 40-63). A preemption policy allows for different priority levels to be set so as to allow transmission of packets based on the predefined criteria and based on characteristics of the communication link.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Calvignac within Sawatari allowing users to predefine transmission characteristics as appropriate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJ K. JAIN whose telephone number is (571)272-3145. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raj K. Jain
/Raj K. Jain/
March 5, 2008   *Art Unit 2616*